



ROK CUSTOMS LAW



PURPOSE: TO outline the basics of the ROK customs law as applicable to USFK personnel.

DISCUSSION: Under Paragraph 3, Article IX, of the US-ROK SOFA and its Agreed Minute, USFK personnel are subject to ROK customs duties except for the following items:

- Furniture, household goods, and personal effects for their private use brought into Korea when they first arrive to serve in Korea or within 6 months of their arrival.
- Vehicles and parts imported for their private use.
- Reasonable quantities of personal effects and household goods mailed into Korea through APO.
- Article 96 of the ROK Customs Act provides that certain goods carried by a traveler may be exempt from customs duties if they are deemed appropriate based on the traveler's purpose and length of stay in Korea, occupation, and other circumstances.
- ROK Customs officials have considerable discretion in applying this rule. In practice, ROK Customs Officials do not impose duties on what they deem to be a reasonable quantity of items brought into Korea for personal use. What amount is deemed to be "reasonable" may vary between customs officials. The key factor to remember is the customs officials have considerable discretion in applying this rule.

Article 234 of the Customs Act prohibits exporting or importing the following items:

- "Books, publications, drawings, records, films, videos, sculptures, and other similar goods which disrupt the constitutional order, disturb the public safety and order or corrupt public morals";
- "Goods which reveal confidential matters of the Government or are used to carry out intelligence activities"; and
- "Currencies, bonds and securities which are counterfeited, forged or copied."

Article 235 of the Customs Act provides that "any goods which infringe on any trademark right registered in accordance with the Trademark Act may not be exported or imported."

- For example, an imitation Rolex watch, even one that is suitable only for a "gag gift" would be prohibited. It is illegal to bring any counterfeit goods into Korea.

Any violation of Articles 234 or 235 may result in confiscation of the goods, criminal penalties, fines, and/or placement on international hold.

<p>Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.</p>
